

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

May 8, 2012

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Sergeant Gazarra Hill, Chaplain of the Clayton County Police Department. Following the Invocation, Chairman Bell requested a Moment of Silence in honor of Mr. Jim Constable who perished in a fire. Mr. Constable was an active member of the Clayton County Board of Elections and Registration. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding a brief presentation by Mary Byrd, Director of Senior Services, regarding Senior Center Fees; adding Resolution 2012-97 (Authorizing Clayton County to amend its 2011 Action Plan and submit its substantial amendment for the Emergency Solutions Grant); holding item #10 (Resolution 2012-94 – Authorizing a Referendum to allow the manufacture, distribution and sale of malt beverages and wine on Sundays within Unincorporated Clayton County, Georgia); making a minor revision – inserting a Not to Exceed Amount – in item #12 (Resolution 2012-96 – Authorizing Clayton County to enter into an Agreement with Eaves Consulting Group, LLC, providing for the terms and conditions under which consulting services will be provided); holding item #13 (Appointment to fill a Library Board vacancy. Term is for three [3] years; expiring May 8, 2015.); holding item #16 (Zoning Petition: Branch Banking and Trust Company); and deleting item #17 (Executive Session). The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the May 1, 2012 Regular Business Meeting minutes. Vote unanimous.
5. PROCLAMATION: "Clayton County Recognizes Montavious Whitters from Mundy's Mill High School for Receiving a Scholarship to The Art Institute of Atlanta" (presented by Vice-Chairman Wole Ralph).

NOTE: A group photo was taken of the honoree, the honoree's family and friends, and the Board. Clerk Haywood read the proclamation for the benefit of those present.

6. PRESENTATION: "Senior Center Service Fees" by Mary Byrd, Director of Senior Services.

Ms. Byrd informed everyone that Chairman Bell had met with a group of seniors several months ago to discuss senior center service fees as well as any issues/concerns they had. Additionally, County Manager Wade Starr met with some seniors approximately one month ago just to hear what was on their minds. One of the most significant senior concerns was that they wanted their friends back at the senior centers in the county. Many of these friends lived outside of the county and could not afford the county's \$180.00 membership fee. These meetings precipitated another discussion between Chairman Bell and Mr. Starr. As a result, Ms. Byrd stated she and Chairman Bell hosted two (2) meetings yesterday with seniors at the Frank Bailey Senior Center in Riverdale, Georgia and the Charley Griswell Senior Center in Jonesboro, Georgia. The title of these meetings was "Help Us Bring Your

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Friends Back.” Their goal was to meet with the seniors and determine if they had any suggestions to actually work around the \$180.00 fee and help the county encourage their friends to return to the senior centers. For the record, Ms. Byrd noted that most of these friends are out-of-county residents. From these meetings at both facilities yesterday, the seniors made suggestions and voted on them. In turn, she and Chairman Bell agreed to present to the Board of Commissioners what they thought were reasonable/worthy suggestions that could be heard and voted upon in a Regular Business Meeting. Ms. Byrd then presented from the Senior Services Department a representation of the seniors’ recommendations:

- 1) **Discontinue the \$50.00 administrative fee.** Currently, if out-of-county members cannot afford the \$180.00 senior center fee and they desire to pay \$15.00 monthly, they have to pay \$65.00 to begin the monthly fee. That amount accounts for a \$50.00 administrative fee and \$15.00 for the first month.
- 2) **Change the due date of the membership fee from “fiscal year” to “one year from the date of the membership contract.”** Presently, the membership period begins July 1st and ends June 30th (based on the county’s fiscal year). If persons desire to join a senior center after July 1st, they still have to pay the \$180.00 membership fee. For example, if they join in September, December, or January, these persons would still have to pay the \$180.00 because there is no other option to join (and this is for out-of-county residents). The new option would be for those persons to join in any month of the year and maintain a one year contract from the month that they joined.
- 3) **Allow a daily user fee.** Seniors voted on several fees and determined that the daily user fee would allow persons who are not senior center members to be able to visit, enjoy facility amenities, and take classes at a daily rate. A majority of the seniors voted on a daily user fee of \$2.00, which means that persons who are not senior center members can visit senior facilities and pay \$2.00 to use the amenities; i.e., swimming pools, heated pools, fitness rooms, take classes, etc. afforded to any regular member. (NOTE: Commissioner Hambrick questioned if the daily user fee would include breakfast or lunch. Ms. Byrd answered, “no.” As of now, senior members can come in with a guest for lunch and there is no additional fee to buy meals from the cafeteria. Ms. Byrd stressed that monitors are at the front and back of each senior facility, so anybody 55 years of age or older can come in to eat lunch with a guest [for no additional fee]. Commissioner Edmondson asked if this proposed \$2.00 daily user fee were for in-county or out-of-county residents. Ms. Byrd replied that the \$2.00 applies to any person who is not a member. If in-county residents do not want to pay the yearly \$12.00 fee, they do not have to. For each time they come into a senior facility to use the amenities, however, they would pay \$2.00/daily basis.)

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Per Ms. Byrd, these are the senior adult recommendations and the seniors wish for the Board of Commissioners to take them into consideration. Before the senior center membership fee was increased in the past, the county had almost 700 out-of-county senior center members and they paid \$10.00 yearly – which means the County collected approximately \$7,000.00 a year. The County presently has 182 out-of-county senior center members, but they pay \$180.00 yearly – so the County has collected over \$30,000.00 yearly. Ms. Byrd emphasized that these recommendations have not been made because the County is losing money (it is actually collecting more), but they are an attempt to work with the senior adult population to help bring their friends back to the county senior centers. These seniors are used to having their friends accompany them to classes and on trips. Ms. Byrd concluded that the aforementioned three (3) recommendations are from the Senior Services Department and the senior adults of Clayton County.

Chairman Bell asked Ms. Byrd to explain how she planned to collect those fees. Ms. Byrd responded that seniors now pay as they come into the senior centers; however, the County has acquired some new software called “RecTrac” which is a card swipe system that it will be using. The Senior Services Department has partnered with the Parks & Recreation Department in this venture, so the card swipe will alert whether the seniors have paid or not paid fees.

Chairman Bell thanked Ms. Byrd for her presentation. He then asked if it were the Board’s choice to take these recommendations under advisement or consideration to act upon at another time or act upon them now. His query resulted in the following motion:

Motion by Chairman Bell, second by Vice-Chairman Ralph, to approve the aforementioned recommendations from the Senior Services Department and the senior adult population of Clayton County. The motion carried 4-1. Chairman Bell, Vice-Chairman Ralph, Commissioner Singleton, and Commissioner Hambrick voted in favor. Commissioner Edmondson opposed.

Chairman Bell thanked the Board for giving the county’s seniors that consideration. He believed it would help everyone, particularly those who are seniors. Commissioner Edmondson rebutted “seniors that don’t live here.” Chairman Bell responded “they are still our seniors – OUR (spelled out).”

7. Theodis Locke, Interim Director of Central Services/Risk Management, presented the following request which resulted in this action:

1) Approved a request for the purchase and installation of carpet in the Finance Administration Building, as requested by the Building and Maintenance Department. Vote unanimous.

The recommendation is to purchase the materials and services by utilizing the State of Georgia’s Purchasing Division of Administrative Services strategic partnership with the National Joint Powers Alliance (NJPA) Statewide Contract with Shaw Contract Flooring Services, Inc., d/b/a Spectra Contract

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Flooring, located in Norcross, Georgia. The total cost of the carpet and installation is \$56,468.45. Funds are available through the Building and Maintenance Repair & Maintenance account.

8. Angela Jackson, Director of Finance, submitted two (2) items for Board consideration which resulted in the following actions: (NOTE: The Board voted on both of these items at once.)

1) Approved Budget Amendment #2-30/Prison/FYE 6-30-12, in the amount of \$4,708.00, to recognize revenue collected in excess of the revenue budget and allow for the purchase of supplies and newspapers for the inmates, and payment of GED bills. Vote unanimous.

2) Approved Budget Amendment #2-31/Landfill Fund/FYE 6-30-12, in the amount of \$122,240.00, to appropriate funds to cover the amortization of bond issuance cost, gasoline supplies, service charges, and equipment repairs for the remaining FY-12 at the Landfill. Vote unanimous.

9. Renee Bright, Director of Human Resources, brought forth a "Request to Fill Vacancies" list which resulted in the following action:

1) Approved the below-listed vacancies to be filled in the County:

POSITION TITLE	DEPARTMENT	SALARY GRADE	SALARY
Accounting Technician	Finance	15	\$29,136.00
Center Maintenance Worker	Parks & Recreation	P/T	\$7.95/hour
Sheriff's Service Clerk	Sheriff	P/T	\$9.45/hour
Library Aide (Headquarters Library)	Library	P/T	\$7.76/hour

Vote unanimous.

10. Detrick Stanford, Director of Parks and Recreation, presented the following request which resulted in this action:

1) Approved the Special Facility Use Request submitted by State Representative Sandra G. Scott for use of space at the Carl Rhodenizer Recreation Center on June 4, 2012 from 6:30 p.m. until 8:00 p.m. to hold a Town Hall Meeting. Vote unanimous.

As a point of clarification, Commissioner Edmondson asked why the dollar amount was blank in the Special Facility Use Request. He wondered if the County were waiving the cost or offering a discounted cost. Mr. Stanford replied that State Representative Sandra G. Scott is asking for a waiver of the entire cost to use space at the Carl Rhodenizer Recreation Center.

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Chairman Bell recognized the presence of State Representative Sandra G. Scott, State Representative Darryl Jordan, and Mayor Bobby Cartwright of Lovejoy, Georgia in the audience.

11. Approved Resolution 2012-95 authorizing Clayton County to enter into Professional Service Agreements with Moreland Altobelli Associates, Inc., and AMEC Environment & Infrastructure providing for the terms and conditions under which professional services will be provided. Vote unanimous.

12. Approved Resolution 2012-96 authorizing Clayton County to enter into an Agreement with Eaves Consulting Group, LLC., providing for the terms and conditions under which consulting services will be provided; to authorize the Chairman to execute the agreement and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

NOTE: Staff Attorney Christie Barnes stated that the Legal Office had made the amendment in Resolution 2012-96 and left it with Clerk Haywood. That revision notes that the County will compensate Eaves Consulting Group, LLC in an amount Not To Exceed \$40,000.00.

13. Approved Resolution 2012-97 authorizing Clayton County to amend its 2011 Action Plan and submit its substantial amendment for the Emergency Solutions Grant. Clayton County has been allocated an additional \$51,320.00 through an Emergency Solutions Grant (ESG). Vote unanimous.

14. **ZONING PETITION: CARS AND CREDIT ASSISTANCE, INC./C. CRANDLE BRAY/REZ201204-01/CUP 201204-02**

The Applicant, C. Crandle Bray on behalf of Cars & Credit Assistance, Inc., is requesting an amendment to the zoning classification from Article 3.27 Regional Mixed Use (RMX) to Article 3.21 General Business (GB) with a Conditional Use Permit for Used Vehicle Sales as well as an amendment to the future land-use map for the properties located at 7710 Tara Boulevard (13207C A002); 7728 Tara Boulevard (13207C A003); 0 N. Main Street (13207C A004); and 7780 Tara Boulevard (13207C A005) in Jonesboro, GA. This site is comprised of 5.831 acres and located in Land Lot 207 of the 13th District.

ZAG Recommendation is Denial.

Commission District #4 – Commissioner Michael Edmondson

Before Mr. Bray came forward to present the petition, Chairman Bell asked if anyone were present in opposition. One individual, Mr. David Clark, stated that he was present in opposition to this petition. Chairman Bell requested that Mr. Clark speak after Mr. Bray had presented the petition.

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For the record, Clerk Haywood noted that Mr. Bray had filed a constitutional challenge.

Mr. Bray thanked the Board for giving him an opportunity to present this petition today. He stated that Mr. Odum and Mr. Adams were present in the audience, and Mr. Adams controls this tract of land in Clayton County. Represented in this petition are four (4) tracts of land; one is .7 acres; one is .6 acres; one is .6 acres, and one is a 3.7 acre tract. The first tract is where Highway 3 comes together, and he had distributed an 8 X 11 map of it earlier to Commissioner Edmondson. This tract has been and is currently operating as a car sales lot (for the past 25+ years – since 1985). The Waffle House restaurant situated behind it was not a successful business and had to close up. Mr. Odum has attempted for several years to buy it and it is finally under contract. Beyond that is the .6 acre tract which is all in the floodplain; i.e., Jestors Creek, and it is also under contract. Mr. Adams bought the old Pay Less Car Sales that State Bank owned, and it took approximately three (3) years to get that piece. It all comes to about 5.38 acres. Mr. Bray stressed that half of it will remain undisturbed. The two (2) tracts that are actually being used have been for car lots since their inception. One is owned by Mr. Odum and the other is owned by Cars & Credit. Half of the 3.7 acres is not usable. Mr. Bray requested that the County amend its plan. When the County did its comprehensive plan in 2008, it changed the zoning on the property to Mixed Use (although it was a car lot). At the point of the car lot, this property spreads out to the Waffle House and then to Jestors Creek in the 100 year floodplain up to the two (2) acres at Southlake Drive. He asked the Board to consider this information for practical use. Mr. Bray further stated that he understood Clayton County's long range plan and the need to change the corridor but, until there is real economic change, he did not envision this property doing anything but serving as a car lot and that is what it is presently. He appreciated the Board's consideration of this request and asked that the remainder of his time to speak before the Board be reserved for rebuttal.

Chairman Bell next called for Mr. Clark to speak in opposition.

Mr. Clark, a District 4 resident, stated he rose in opposition to this zoning petition. He alerted the commissioners that his opposition is also expressed in the packages that were before them and with the Planning & Zoning staff, Zoning Advisory Group, and the Atlanta Regional Commission (ARC). Mr. Clark stressed that all of them oppose this rezoning without exception. Rezoning requested is opposed by the future use map, the Atlanta Regional Commission Corridor Estate, County Overlay standards, and the Tax Allocation District standards. He affirmed that this request is certainly not multi-mobile or pedestrian friendly as the plan calls for. In fact, the request for rezoning from Regional Mixed Use to General Business is a zoning regression instead of an improvement. Mr. Bray may tell the Board that if this rezoning request is not approved, it will create a hardship for the owners. According to Mr. Clark, this request should be noted as "buyer beware." Additionally, Mr. Bray may appeal to the litigious side stating interference with his clients' ability to earn a living and constitutional interference. No one is

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denying the clients a livelihood because there is indeed a new standard of zoning in town that must be met. The county has diligently worked to clean up the thoroughfares and the “blighted mess” that is Tara Boulevard. These conditions have been largely created, permitted, and encouraged by previous commissioners. Mr. Clark pointed out that less than two (2) weeks ago, Vice-Chairman Ralph attended the Tara Boulevard Citizens Workshop at Clayton County International Park. On his inspirational comments to the attendees, Vice-Chairman Ralph stated that it was important to have community input in planning and there was a desperate need to improve Tara Boulevard as a gateway representation of Clayton County. Vice-Chairman Ralph also stated his support for the corridor study and its findings as well as improvements resulting from overlays, TAD’s, and the work with The Collaborative Firm. Mr. Clark applauded Vice-Chairman Ralph for his heartfelt words. He invited the rest of the commissioners to join Vice-Chairman Ralph’s vision of Clayton County and to vote “no” on this rezoning request.

Regarding the Atlanta Regional Commission’s study, Mr. Bray said there will be a traffic hazard if this particular piece of property becomes multi-use in the future. When Waffle House first opened, there was a cut-through that resulted in numerous wrecks because the cut-through appeared to be a road on Highway 3. It was dangerous then, but fortunately it is closed at this point in time. If anything is developed with a mixed use and high occupancy at this particular location, there will definitely be a traffic hazard. Mr. Bray stated he and his clients understood the need for the Tara Boulevard Overlay District but, at the same time, it has to have some common sense and practical use while waiting for that to be done. It is nice for people to get up and say “yeah, you own the property...pay your taxes on it.” The wait, however, could be ten years from now. He just wanted the Board to be aware that his clients have been operating on this property for 25+ years now, and they only want to keep operating a decent car lot in the county.

Commissioner Edmondson stated he had an opportunity to meet with Mr. Bray as a representative for his clients last week. He agreed that Mr. Bray was right and had admitted he had never been a big fan of used car lots. Commissioner Edmondson also noted that he had never been a big fan of them either. He informed everyone that he had been present at the community meeting where Vice-Chairman Ralph had spoken and he agreed with Vice-Chairman Ralph’s comments. His concerns with this rezoning request, however, are that the business owner is seeking to expand his existing business and the benefit to the county is questionable. Apparently, no improvements will be made on the property – just expansion (with no new structures being built). Mr. Bray interjected that the business owner does plan to clean up the property. Commissioner Edmondson replied that cleaning it up is great. In terms of increased property taxes, used car lot sales taxes do not go to the county – except to the extent that the buyers live within the county. The county, therefore, is not going to be getting any increased property taxes, increased sales taxes, creation of jobs, etc. ARC’s corridor study findings suggest a better use

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than this. The intent of the TAD Overlay District, Tara Boulevard Overlay District, and future land use map (as all commissioners agreed upon) is inconsistent with the county's comprehensive plan. Members of the Zoning Advisory Group and Planning & Zoning staff have all voted against/denied this rezoning request. If this were detrimental to the business, that would be another matter. As Mr. Bray has explained, this property was turned over to a bank that was seized by the FDIC and this person bought the property on speculation – not realizing the current zoning. Commissioner Edmondson stated that this could be considered “spot zoning” and it does not promote any kind of economic change to Clayton County. With that being said, he recommended denial of this petition.

Chairman Bell noted that Commissioner Edmondson had made a motion to deny this petition. There was no second to his motion. For the record, Chairman Bell stated that the motion for denial died for lack of a second.

Chairman Bell next asked for a motion to approve this petition. The following motion resulted:

Motion by Vice-Chairman Ralph, second by Chairman Bell, to approve this petition. The motion carried 4-1. Chairman Bell, Vice-Chairman Ralph, Commissioner Singleton, and Commissioner Hambrick voted in favor. Commissioner Edmondson opposed.

Chairman Bell commented for the record that he will chair that ARC meeting for the whole overlay study. This rezoning will not prevent the county from doing what it needs/desires to do in the future. While it is here, it will give the County an opportunity to create jobs (even if it is only one, it is more than the County had), receive some taxes, and have a clean property. He expressed that county staff has had to clean it up two (2) or three (3) times in the past.

15. ZONING PETITION: **SOLID ROCK SANCTUARY, INC./REZ/CUP 201204-03**

Solid Rock Sanctuary, Inc., DBA Solid Rock Sanctuary Preschool & Daycare Facility, is requesting approval of a Conditional Use Permit to allow a Preschool & Daycare Facility to be located at 1915 Rock Cut Place (12238A A002) in Conley, Georgia in conjunction with its church. The property is currently zoned for Single Family Residential (RS-110) and lies in Land Lot 238 of the 12th District.

This proposed development does not require any new construction of structures on the property which consists of 2.922 acres. The applicant is proposing a fenced-in play area which is required by the State Department of Human Services and the Clayton County Zoning Ordinance.

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ZAG Recommendation is Approval.

Commission District #1 – Commissioner Sonna Singleton

Mr. Arnold Ruffin stated that he was here representing Solid Rock Sanctuary, Inc. He asked the Board to consider his request to open up a child daycare and offer services to the community. There will be no construction at this time. This venture will create a flow income for the church and members of the community.

Chairman Bell asked if anyone were present in opposition to this petition. There was no response from the audience.

Commissioner Singleton made a motion to approve this petition. Chairman Bell seconded the motion. Vote unanimous.

PUBLIC COMMENT:

The following persons voiced various comments and concerns as well as made requests before the Board of Commissioners:

1. Daina Matheny of Jonesboro, Georgia (Inquired about restarting public transit for the disabled/elderly in the County).
2. David Clark of Lake Spivey, Georgia (Questioned Commission's Meeting Procedures/Violation of O.C.G.A. § 50-14-1).